

# CANDIDATE FILING GUIDE

MEMBER OF THE STATE ASSEMBLY,

80<sup>TH</sup> DISTRICT SPECIAL ELECTION

MAY 21, 2013

COMPILED AND DISTRIBUTED BY:

MICHAEL VU,

REGISTRAR OF VOTERS

5201 RUFFIN ROAD, SUITE I

SAN DIEGO, CA 92123

858-694-3405

[WWW.SDVOTE.COM](http://WWW.SDVOTE.COM)

# **Information Sheet Qualifications and Requirements**

## **Member of the State Assembly, 80th District Special Election**

The Governor issued the proclamation for a special **GENERAL** election to be held on **July 30, 2013**. The date of the special **PRIMARY** election is scheduled for **May 21, 2013**.

The date of the special primary election is calculated by counting back nine Tuesdays preceding the day of the special general election at which the vacancy is to be filled. § 10704(a)<sup>1</sup>

### **I. QUALIFICATIONS**

Every candidate shall:

- A. Be a U.S. citizen<sup>2</sup> Cal. Const., art. IV, § 2(c)
- B. Be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person. § 201
- C. Not have been convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes. § 20
- D. Not have served two terms in the State Assembly since November 6, 1990. Cal. Const., art. IV, § 2(a)(1) & (4)

### **II. REQUIREMENTS**

#### **A. CAMPAIGN FILINGS AND RESPONSIBILITIES**

Any individual who intends to be a candidate for an elective state office shall:

##### **1. Candidate Intention Statement**

File with the Secretary of State's Political Reform Division a Candidate Intention Statement (Form 501) for the specific state office sought. A separate Form 501 must be filed for each election, including re-election to the same office. This statement shall be signed under penalty of perjury and filed prior to the solicitation or receipt of any contribution or loan, including expenditures made from personal funds used for campaign purposes. Gov. Code § 85200

##### **2. Campaign Contribution Account**

- a. A Statement of Organization—Recipient Committee (Form 410) shall be filed with the Secretary of State's Political Reform Division within 10 days of

---

<sup>1</sup> All code section references are to the California Elections Code unless stated otherwise.

<sup>2</sup> Article IV, section 2(c), of the California Constitution requires a one-year residency in the legislative district and three years residency in California; however, it is the legal opinion of this office that these provisions violate the U.S. Constitution and are unenforceable.

qualifying as a committee by receiving contributions totaling \$1,000 or more in a calendar year. Gov. Code §§ 82013(a), 84101

- b. Establish one campaign contribution account at an office of a financial institution located in California after filing the Candidate Intention Statement. Gov. Code § 85201(a)

- c. All contributions or loans made to the candidate, to a person on behalf of the candidate, or to the candidate's controlled committee shall be deposited in the account. Gov. Code § 85201(c)

- d. Any personal funds, which will be used to promote the election of the candidate, shall be deposited in the account prior to expenditure. Gov. Code § 85201(d)

- e. All campaign expenditures shall be made from the account. Gov. Code § 85201(e)

3. Exceptions

- a. Parts 1 and 2(c) and (d), above, do not apply to a candidate's payment of a filing fee and statement of qualifications fee from his or her personal funds. Gov. Code §§ 85200, 85201(f)

- b. Part 2, above, does not apply if the candidate does not receive contributions and makes campaign expenditures from personal funds of less than \$1,000 in a calendar year, excluding payment of the filing fee and statement of qualifications fee. Gov. Code § 85201(g)

- c. An individual who raises contributions from others for his or her campaign, but who raises or spends less than \$1,000 in a calendar year, shall establish a campaign contribution account but is not required to file a Statement of Organization or other statement of bank account information. Gov. Code § 85201(h)

B. FILING FEES

1. Full Payment of Filing Fee

Every candidate must pay a filing fee equal to 1% of the first year salary as of the first day on which a candidate may circulate petitions in-lieu of filing fees. Currently, the filing fee is \$905.26. The filing fee must be paid to the county elections official at the time the candidate obtains the nomination papers from the county elections official.

§§ 8103(a)(3), 8105

2. Signatures In-Lieu of Filing Fee

A candidate may choose to submit by **March 28, 2013**, a minimum of 3,000 valid signatures on petitions in-lieu of filing fees. §§ 8106(a)(2) & (b)(3), 10704(a)

- a. Petitions for in-lieu signatures may be obtained from the county elections official and circulated between **March 26, 2013**, and **March 28, 2013**. Sections of petitions for in-lieu signatures shall be filed with the county elections official of the county in

which the signers reside.  
§ 8106

- b. The candidate may submit signatures to cover all or any prorated portion of the filing fee. § 8106(b)(3)
- c. Any registered voter may sign an in-lieu-filing-fee petition for any candidate for whom he or she is eligible to vote. § 8106(b)(1)
- d. Each circulator of an in-lieu-filing-fee petition shall be a registered voter of the district in which the candidate is running. The circulator shall serve within the county in which he or she resides. § 8106(b)(4)<sup>3</sup>
- e. Within 1 day after receipt of the petition, the county elections official shall notify the candidate of any deficiency. The candidate shall then, on or before **March 29, 2013**, either submit a supplemental petition containing additional signatures or pay a pro rata portion of the filing fee to cover the deficiency. § 8106(b)(3)
- f. Signatures in lieu of the filing fee may be counted toward the nomination sponsor signature requirements. § 8106(d)

#### Signature In-Lieu of Filing Fee Requirements

§ 8106(a)(2)

<u>Candidates</u>	<u>Filing Fee</u>	<u>Signatures In-Lieu of Filing Fee</u>	<u>Value of Each Signature</u>
All Candidates (except write-in candidates)	\$905.26	3,000	\$0.301753

#### C. BALLOT DESIGNATIONS

Each candidate who submits a ballot designation shall file a completed ballot designation worksheet that supports the use of that ballot designation by the candidate. The ballot designation worksheet shall be filed with the elections official at the same time that the candidate files his or her declaration of candidacy. § 13107.3

#### D. STATEMENT OF ECONOMIC INTERESTS

---

<sup>3</sup> The U.S. Supreme Court has struck down statutes that require petition circulators to be registered voters. (Buckley v. American Constitutional Law Foundation, Inc. (1999) 525 U.S. 182.) Other federal courts have struck down statutes that require petition circulators to reside within the state or locality affected by a petition, especially where requiring circulators to submit to jurisdiction by agreement would achieve the same end and would be more narrowly tailored to further the state's interest in preventing fraud. (See, e.g., Nader v. Brewer (9th Cir. 2008); Krislov v. Rednour (7th Cir. 2000) 226 F.3d 851; Lerman v. NYC Board of Elections (2d Cir. 2000) 232 F.3d 135; and Chandler v. Arvada (10th Cir. 2002) 292 F.3d 1236.) The Secretary of State is constitutionally constrained from declaring a state statute invalid, and Elections Code section 8106, subdivision (b), subsection (4) has not been declared unconstitutional by any state or federal court in California. However, given the similarities between this statute and the provisions struck down in the foregoing cases, the Secretary of State does not recommend or support the enforcement of this statute against any petition circulator, especially where the petition circulator agrees to submit to local jurisdiction.

Each candidate must file a Statement of Economic Interests with the county elections official disclosing investments, interests in real property, and any income received during the immediately preceding 12 months pursuant to the requirements of the Political Reform Act of 1974, As Amended. Gov. Code §§ 87200, 87201

This statement is to be filed by **March 29, 2013**. It is not required if the candidate has filed such statements within the past 60 days for the same jurisdiction.

Gov. Code § 87201

E. FOR ALL CANDIDATES (EXCEPT WRITE-IN CANDIDATES)

1. Between **March 26, 2013**, and **March 29, 2013**, obtain nomination documents from the county elections official of the candidate's county of residence. Nomination documents include nomination papers for collecting signatures and a Declaration of Candidacy that must be executed by the candidate.

§§ 333, 8040, 8041, 10704(a)

2. Nomination Papers

- a. Gather between 40 and 60 signatures for filing the nomination papers. § 8062(a)(2)
- b. Signatures on the in-lieu filing fee petitions may satisfy the signature requirement. § 8061
- c. Any candidate may obtain signatures to and sign his or her own nomination papers. § 106(a)
- d. All signers must be registered voters in the district or political subdivision in which the candidate is to be voted on. §§ 100, 8068
- e. The candidate may appoint persons to circulate the nomination papers. Circulators shall be voters in the district or political subdivision in which the candidate is to be voted on and shall serve only in that district or political subdivision. § 8066<sup>4</sup>
- f. Between **March 26, 2013**, and **March 29, 2013**, each section of the nomination papers shall be delivered to the county elections official of the county in which the signer resides and is a voter. §§ 8063, 10704(a)

---

<sup>4</sup> The U.S. Supreme Court has struck down statutes that require petition circulators to be registered voters. (Buckley v. American Constitutional Law Foundation, Inc. (1999) 525 U.S. 182.) Other federal courts have struck down statutes that require petition circulators to reside within the state or locality affected by a petition, especially where requiring circulators to submit to jurisdiction by agreement would achieve the same end and would be more narrowly tailored to further the state's interest in preventing fraud. (See, e.g., Nader v. Brewer (9th Cir. 2008); Krislov v. Rednour (7th Cir. 2000) 226 F.3d 851; Lerman v. NYC Board of Elections (2d Cir. 2000) 232 F.3d 135; and Chandler v. Arvada (10th Cir. 2002) 292 F.3d 1236.) The Secretary of State is constitutionally constrained from declaring a state statute invalid, and Elections Code section 8066 has not been declared unconstitutional by any state or federal court in California. However, given the similarities between this statute and the provisions struck down in the foregoing cases, the Secretary of State does not recommend or support the enforcement of this statute against any petition circulator, especially where the petition circulator agrees to submit to local jurisdiction.

### 3. Declaration of Candidacy

- a. The Declaration of Candidacy shall be obtained from, and delivered to, the elections official of the county in which the candidate resides and is a voter.  
§§ 8040, 8064
- b. Upon request of a candidate, the county elections official shall provide the candidate with a Declaration of Candidacy. The county elections official shall not require a candidate to sign, file, or sign and file a Declaration of Candidacy as a condition of receiving nomination papers.  
§ 8020(d)
- c. The county elections official shall require all candidates filing a Declaration of Candidacy to execute the declaration in his or her office unless the candidate, in a written statement signed and dated by the candidate, designates a third party to obtain the declaration form from the county elections official and deliver it to the candidate. The written statement shall state that the candidate is aware that the Declaration of Candidacy must be properly executed and delivered not later than **March 29, 2013**, to the office of the county elections official from whom it was obtained. Any person may return the completed Declaration of Candidacy.  
§§ 8028, 10704

## F. FOR WRITE-IN CANDIDATES ONLY AND ONLY FOR THE SPECIAL PRIMARY ELECTION<sup>5</sup>

### 1. Filing Fees

Write-in candidates are not required to pay filing fees. § 8604

### 2. Nomination Papers

- a. Gather between 40 and 60 signatures for filing the nomination papers.  
§§ 8062(a)(2), 8600
- b. The candidate may appoint persons to circulate the nomination papers. Circulators shall be voters in the district or political subdivision in which the candidate is to be voted on and shall serve only in that district or political subdivision.  
§ 8066<sup>6</sup>
- c. Signers must be voters in the district or political subdivision in which the write-in candidate is to be voted on.  
§ 8603
- d. Between **March 26, 2013**, and **May 7, 2013**, circulate nomination papers for signatures and leave them for examination with the county elections official of the county in which the signers reside.  
§ 8601

---

<sup>5</sup> Write-in candidates can only run in the primary election. A write-in candidate from the primary election is eligible to run/have his or her name on the ballot in the general election if that candidate is one of the top two vote getters at the primary election, unless one candidate receives a majority of the votes (50% +1). (Elections Code §§ 8605, 10705.)

<sup>6</sup> See footnote 4, above.

3. Statement of Write-In Candidacy

- a. Between **March 26, 2013**, and **May 7, 2013**, file a Statement of Write-In Candidacy. § 8601
- b. The Statement of Write-In Candidacy shall contain the following information:
  - i. Candidate's name;
  - ii. Candidate's complete residence address;
  - iii. A declaration stating that the candidate is a write-in candidate;
  - iv. The name of the office for which the candidate is running;
  - v. The date of the election; and
  - vi. Candidate's 10-year political party preference history.

§§ 8600, 8601, 10704(a)

- 4. In order to be nominated at the special primary election, the write-in candidate must receive the highest number of votes cast for this office or the second highest number of votes cast for this office, unless there is a tie or a vacancy, or unless another candidate has been elected to the office by winning a majority of the votes.

§§ 8142, 8605, 10705

**III. GENERAL INFORMATION**

- A. Each of the forms mentioned above is available free of charge from the county elections official. § 8101
- B. The State Assembly has a membership of 80 members elected for two-year terms. This election is for the remainder of the term. Cal. Const., art IV, § 2(a)(1)
- C. Because of the requirements of the Political Reform Act, As Amended, a candidate should visit the website of the Fair Political Practices Commission at [www.fppc.ca.gov](http://www.fppc.ca.gov) for the most recent copy of the Information Manual on Campaign Disclosure Provisions of the Political Reform Act, which gives the filing requirements for reporting campaign contributions, etc.

**IMPORTANT NOTICE**

This information sheet of candidate qualifications and procedures is for general information only and does not have the force and effect of law, regulation, or rule. In case of conflict, the law, regulation, or rule will apply. The candidate should obtain the most up-to-date information available because of possible changes in law.

# Ballot Designation Worksheet

Pursuant to California Elections Code Section 13107.3 and Section 20711 of the California Code of Regulations, this entire form **must be completed**, or it will not be accepted and you will **not** be entitled to a ballot designation. **DO NOT LEAVE ANY RESPONSE SPACES BLANK.** If information requested is not applicable, please write N/A in the space provided. Otherwise the information **MUST** be provided. Upon filing, this worksheet will be a public record.

Candidate Information

— Candidate Name: \_\_\_\_\_

— Office: \_\_\_\_\_

— Home Address: \_\_\_\_\_ E-Mail: \_\_\_\_\_

— Business Address: \_\_\_\_\_

— Mailing Address: \_\_\_\_\_

— Phone Number(s) Business: \_\_\_\_\_ Home/Mobile: \_\_\_\_\_ Fax: \_\_\_\_\_

Attorney Information

— Attorney Name (or other person authorized to act in your behalf): \_\_\_\_\_

— Address: \_\_\_\_\_

— Home Address: \_\_\_\_\_ E-Mail: \_\_\_\_\_

— Business Address: \_\_\_\_\_

— Mailing Address: \_\_\_\_\_

— Phone Number(s) Business: \_\_\_\_\_ Home/Mobile: \_\_\_\_\_ Fax: \_\_\_\_\_

**Proposed Ballot Designation:** \_\_\_\_\_

**1<sup>st</sup> Alternative:** \_\_\_\_\_

**2<sup>nd</sup> Alternative:** \_\_\_\_\_

You may select as your ballot designation:

- (a) Your current principal profession(s), vocation(s), or occupation(s) [maximum total of three words, separated by a “/”]
- (b) The full title of the public office you currently occupy and to which you were elected
- (c) “Appointed [full title of public office]” if you currently serve by appointment in an elective public office and are seeking election to a different office
- (d) “Incumbent” if you were elected (or, if you are a Superior Court Judge, appointed) to your current public office and seek election to a new term
- (e) “Appointed Incumbent” if you were appointed to your current elective public office (other than Superior Court Judge) and seek election to a new term

In the space provided on the next page or on an attachment sheet, describe why you believe you are entitled to use the proposed ballot designation. Attach any documents or exhibits that you believe support your proposed ballot designation. If using the title of an elective office, attach a copy of your certificate of election or appointment. These documents will not be returned to you. **Do not submit originals.**

If your proposed ballot designation includes the word “volunteer,” indicate the title of your volunteer position and the name of the entity for which you volunteer along with a brief description of the type of volunteer work you do and the approximate amount of time involved. You may only use the ballot designation “community volunteer” if you



volunteer for a 501(c)(3) charitable, educational, or religious organization, a governmental agency or an educational institution. You may not use “community volunteer” together with another designation.

**Remember, it is your responsibility to justify your proposed ballot designation and to provide all requested details.** For your reference, attached are Elections Code Sections 13107 and 13107.3, and 2 California Code of Regulations (CCR) Section 20711. You may also wish to consult Elections Code Section 11307.5 ("community volunteer") and 2 CCR Sections 20712 - 20719 (found at [www.sos.ca.gov](http://www.sos.ca.gov)).

Justification for use of proposed ballot designation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Current or Most Recent Job Title: \_\_\_\_\_ Start/End Dates: \_\_\_\_\_

Employer Name or Business: \_\_\_\_\_

Person(s) who can verify this information:

Name(s) \_\_\_\_\_ Phone Number: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Name(s) \_\_\_\_\_ Phone Number: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**Before signing below, answer the following questions.**

Does your proposed ballot designation:

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| • Use only a portion of the title of your current elected office?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| • Use only the word “Incumbent” for an elective office (other than Superior Court Judge) to which you were appointed?          | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| • Use more than three total words for your principal professions, vocations or occupations?                                    | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| • Suggest an evaluation of you, such as outstanding, leading, expert, virtuous, or eminent?                                    | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| • Refer to a status (Veteran, Activist, Founder, Scholar), rather than a profession, vocation or occupation?                   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| • Abbreviate the word “retired”?   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| • Place the word “retired” after the words it modifies? Example: Accountant, retired   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| • Use any word or prefix (except “retired”) such as "former" or "ex-" to refer to a former profession, vocation or occupation? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| • Use the word “retired” along with a current profession, vocation, or occupation? Example: Retired Firefighter/Teacher        | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| • Use the name of a political party or political body?   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| • Refer to a racial, religious, or ethnic group?   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| • Refer to any activity prohibited by law?   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

**If the answer to any of these questions is “Yes,” your proposed ballot designation is likely to be rejected.**

Candidate’s Signature \_\_\_\_\_ Date \_\_\_\_\_

For your reference, the relevant provisions of Elections Code section 13107 are reproduced below:

**13107.**

(a) With the exception of candidates for Justice of the State Supreme Court or Court of Appeal, immediately under the name of each candidate, and not separated from the name by any line, unless the designation made by the candidate pursuant to Section 8002.5 must be listed immediately below the name of the candidate pursuant to Section 13105, and in that case immediately under the designation, may appear at the option of the candidate only one of the following designations:

(1) Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing the nomination documents to which he or she was elected by vote of the people, or to which he or she was appointed, in the case of a superior court judge.

(2) The word "incumbent" if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people, or, in the case of a superior court judge, was appointed to that office.

(3) No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. For purposes of this section, all California geographical names shall be considered to be one word. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.

(4) The phrase "appointed incumbent" if the candidate holds an office other than a judicial office by virtue of appointment, and the candidate is a candidate for election to the same office, or, if the candidate is a candidate for election to the same office or to some other office, the word "appointed" and the title of the office. In either instance, the candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed." However, the phrase "appointed incumbent" shall not be required of a candidate who seeks reelection to an office which he or she holds and to which he or she was appointed, as a nominated candidate, in lieu of an election, pursuant to Sections 5326 and 5328 of the Education Code or Section 7228, 7423, 7673, 10229, or 10515 of this code.

(b) Neither the Secretary of State nor any other elections official shall accept a designation of which any of the following would be true:

(1) It would mislead the voter.

(2) It would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.

(3) It abbreviates the word "retired" or places it following any word or words which it modifies.

(4) It uses a word or prefix, such as "former" or "ex-," which means a prior status. The only exception is the use of the word "retired."

(5) It uses the name of any political party, whether or not it has qualified for the ballot.

(6) It uses a word or words referring to a racial, religious, or ethnic group.

(7) It refers to any activity prohibited by law.

(c) If, upon checking the nomination documents and the ballot designation worksheet described in Section 13107.3, the elections official finds the designation to be in violation of any of the restrictions set forth in this section, the elections official shall notify the candidate by registered or certified mail return receipt requested, addressed to the mailing address provided on the candidate's ballot designation worksheet.

(1) The candidate shall, within three days, excluding Saturday, Sunday, and state holidays, from the date he or she receives notice by registered or certified mail, or from the date the candidate receives actual notice of the violation, whichever occurs first, appear before the elections official or, in the case of the Secretary of State, notify the Secretary of State by telephone, and provide a designation that complies with subdivision (a).

(2) In the event the candidate fails to provide a designation that complies with subdivision (a) within the three-day period specified in paragraph (1), no designation shall appear after the candidate's name.

(d) No designation given by a candidate shall be changed by the candidate after the final date for filing nomination documents, except as specifically requested by the elections official as specified in subdivision (c) or as provided in subdivision (e). The elections official shall maintain a copy of the ballot designation worksheet for each candidate that appears on the ballot in the county for the same period of time as applied to nomination documents pursuant to Section 17100.

(e) The designation shall remain the same for all purposes of both primary and general elections, unless the candidate, at least 98 days prior to the general election, requests in writing a different designation which the candidate is entitled to use at the time of the request.

For your reference, Elections Code section 13107.3 is reproduced below:

**13107.3.**

(a) A candidate who submits a ballot designation pursuant to subdivision (a) of Section 13107 shall file a ballot designation worksheet that supports the use of that ballot designation by the candidate, in a format prescribed by the Secretary of State.

(b) The ballot designation worksheet shall be filed with the elections official at the same time that the candidate files his or her declaration of candidacy.

(c) In the event that a candidate fails to file a ballot designation worksheet in accordance with subdivision (a), no designation shall appear under the candidate's name on the ballot.

For your reference, Elections Code section 13107.5 is reproduced below:

**13107.5.**

(a) A candidate's ballot designation as "community volunteer" shall constitute a valid principal vocation or occupation for purposes of subdivision (a) of Section 13107, if not otherwise in violation of any of the restrictions set forth in that section, and subject to the following conditions:

(1) A candidate's community volunteer activities constitute his or her principal profession, vocation, or occupation.

(2) A candidate is not engaged concurrently in another principal profession, vocation, or occupation.

(3) A candidate may not use the designation of "community volunteer" in combination with any other principal profession, vocation, or occupation designation.

(b) The Secretary of State shall by regulation define what constitutes a community volunteer for purposes of this section.

For your reference, 2 CCR 20711 is reproduced below:

**20711. *Ballot Designation Worksheet.***

(a) In order to facilitate review of a candidate's proposed ballot designation by the Secretary of State pursuant to Elections Code Section 13107, the candidate shall submit, at the time of filing his or her proposed ballot designation on the Declaration of Candidacy, a completed Ballot Designation Worksheet on a form provided by the Secretary of State.

(b) All Ballot Designation Worksheets filed with the Office of the Secretary of State or the county elections officials pursuant to this section shall be public records and shall be available for inspection and copying at the public counter of the Elections Division of the Office of the Secretary of State, Fifth Floor, 1500 11th Street, Sacramento, California 95814, or at the office of the applicable county elections official.

(c) The Secretary of State shall provide a master copy or copies of the Ballot Designation Worksheet to all elections officials responsible for providing and accepting the nomination documents for candidates in elections for offices certified by the Secretary of State. The Ballot Designation Worksheet shall request that the candidate proposing the ballot designation provide the following information:

(1) The candidate's name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number;

(2) A designation of the office for which the candidate is seeking election;

(3) The name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number of the attorney representing the candidate or for any other person to be contacted in the event the Secretary of State requires further information regarding the proposed ballot designation;

(4) The proposed ballot designation submitted by the candidate;

(5) The candidate may submit one or more proposed alternate ballot designations ranked in order of the candidate's preference;

(6) A brief statement identifying the factual basis upon which the candidate claims the proposed ballot designation and each proposed alternate ballot designation, including the following:

(A) If the candidate holds elected office and is submitting his or her proposed ballot designation pursuant to Elections Code Section 13107, subdivisions (a)(1) or (a)(2), the candidate shall indicate the elective office he or she currently occupies and may attach a copy of his or her Certificate of Election;

(B) If the candidate is a judicial officer and is submitting his or her proposed ballot designation pursuant to Elections Code Section 13107, subdivisions (a)(1) or (a)(2), the candidate shall indicate the elective office

he or she currently holds and may attach either (A) a copy of his or her Certificate of Election or (B) a copy of his or her commission or certificate of appointment, issued at the time the candidate was appointed to the judicial office which he or she currently occupies;

(C) If the candidate submits a ballot designation pursuant to Elections Code Section 13107, subdivision (a)(3), the candidate shall indicate:

ballot designation; (i) The title of the position or positions which he or she claims supports the proposed

(ii) The dates during which the candidate held such position;

(iii) A description of the work he or she performs in the position;

(iv) The name of the candidate's business or employer;

(v) The name and telephone number of a person or persons who could verify such information; and

(vi) A statement that the professions, vocations or occupations relied upon to support the proposed ballot designation constitute the primary, main or leading professions, vocations or occupations of the candidate, in accordance with the definition of the term "principal" as set forth at Section 20714, subdivision (b).

(D) If the candidate submits a ballot designation pursuant to Elections Code Section 13107, subdivision (a)(4), the candidate shall indicate the date on which he or she was appointed to the office for which he or she is an appointed incumbent.

(d) The candidate may attach or append any supporting documents or other exhibits to his or her Ballot Designation Worksheet which he or she believes support his or her proposed ballot designation. Such attached documents or other exhibits shall be deemed to be incorporated by reference as part of the candidate's Ballot Designation Worksheet and shall be considered as such by the Secretary of State.

(e) If a candidate requests a change of his or her ballot designation pursuant to Elections Code Section 13107(e), that request shall be accompanied by a Ballot Designation Worksheet.

## \*CODE OF FAIR CAMPAIGN PRACTICES

Candidate's Name: \_\_\_\_\_

Office Title: \_\_\_\_\_ State Assembly, 80<sup>th</sup> District

Election Date: \_\_\_\_\_ May 21, 2013

**Elections Code Sec. 20440.** There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of California has a moral obligation to observe and uphold, in order that, after vigorously contested, but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

### THEREFORE:

- (1) I SHALL CONDUCT my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponents or political parties that merit such criticism.
- (2) I SHALL NOT USE OR PERMIT the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.
- (3) I SHALL NOT USE OR PERMIT any appeal to negative prejudice based on a candidate's actual or perceived race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age, sexual orientation, sex, including gender identity, or any other characteristic set forth in Section 12940 of the Government Code, or association with another person who has any of the actual or perceived characteristics set forth in Section 12940 of the Government Code.
- (4) I SHALL NOT USE OR PERMIT any dishonest or unethical practice that tends to corrupt or undermine our American system of free elections, or that hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to vote, or voting.
- (5) I SHALL NOT coerce election help or campaign contributions for myself or for any other candidate from my employees.
- (6) I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE support deriving from any individual or group that resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics that I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.
- (7) I SHALL DEFEND AND UPHOLD the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of California or treasurer or chairperson of a committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Candidate's Signature

\*This form is **voluntary**. If you choose to file this, please read next page carefully before signing.

# PROVISIONS OF THE CODE OF FAIR CAMPAIGN PRACTICES

as found in Chapter 5 of Division 20 of the California Elections Code

## Chapter 5. Fair Campaign Practices

### Article 1. General Intent

#### **20400. Intent of legislature.**

The Legislature declares that the purpose of this chapter is to encourage every candidate for public office in this state to subscribe to the Code of Fair Campaign Practices.

It is the ultimate intent of the Legislature that every candidate for public office in this state who subscribes to the Code of Fair Campaign Practices will follow the basic principles of decency, honesty, and fair play in order that, after vigorously contested, but fairly conducted campaigns, the citizens of this state may exercise their constitutional right to vote, free from dishonest and unethical practices which tend to prevent the full and free expression of the will of the voters.

The purpose in creating the Code of Fair Campaign Practices is to give voters guidelines in determining fair play and to encourage candidates to discuss issues instead of untruths or distortions.

### Article 2. Definitions<sup>1</sup>

#### **20420. Definition of "Code".**

As used in this chapter, "Code" means the Code of Fair Campaign Practices.

### Article 3. Code of Fair Campaign Practices

#### **20440. Subscription to code; form.**

At the time an individual is issued his or her declaration of candidacy, nomination papers, or any other paper evidencing an intention to be a candidate for public office, the elections official, shall give the individual a blank form of the code and a copy of this chapter. The elections official shall inform each candidate for public office that subscription to the code is voluntary.

In the case of a committee making an independent expenditure as defined in Section 82031 of the Government Code, the Secretary of State shall provide a blank form and a copy of this chapter to the individual filing, in accordance with Title 9 (commencing with Section 81000) of the Government Code, an initial campaign statement on behalf of the committee. The text of the code shall read, as follows: (see reverse side.)

#### **20441. Supply of forms.**

The Secretary of State shall print, or cause to be printed, blank forms of the code. The Secretary of State shall supply the forms to the elections officials in quantities and at times requested by the elections officials.

#### **20442. Retention of forms; public inspection.**

The elections official shall accept, at all times prior to the election, all completed forms that are properly subscribed to by a candidate for public office and shall retain them for public inspection until 30 days after the election.

#### **20443. Public Record**

Every code subscribed to by a candidate for public office pursuant to this chapter is a public record open for public inspection.

#### **20444. Voluntary.**

In no event shall a candidate for public office be required to subscribe to or endorse the code.

---

#### <sup>1</sup>**304.**

"Campaign advertising or communication" means a communication authorized by a candidate or a candidate's controlled committee, as defined in Section 82016 of the Government Code, or by a committee making independent expenditures, as defined in Section 82031 of the Government Code, or by a committee formed primarily to support or oppose a ballot measure, as defined in Section 82047.5 of the Government Code, for the purpose of advocating the election or defeat of a qualified candidate through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type general, public, political advertising.

#### **305.**

"Candidate for public office" means an individual who has qualified to have his or her name listed on the ballot of any election, or who has qualified to have written votes on his or her behalf counted by election officials, for nomination for, or election to, any state, regional, county, municipal, or district office which is filled at an election. The provisions of this chapter do not apply to candidates for federal office.

# CANDIDATE STATEMENTS OF QUALIFICATIONS GUIDELINES

Candidates for State Assembly are allowed to submit a 250-word Candidate Statement of Qualifications for inclusion in the sample ballot pamphlet. Candidates for **State Assembly** must agree to the voluntary spending limits of Prop 34 and indicate this by checking the appropriate box on Form 501 in order to have a statement in the sample ballot pamphlet.

In addition, all candidates must agree to:

1. Format guidelines and other criteria as explained in this guide.
2. Submit and pay the cost of the statement no later than March 29, 2012.
3. File the statement with the Registrar of Voters.

<b>FILING PERIOD</b>	The statement shall be filed in the Registrar of Voters Office when nomination documents are returned for filing. <i>E.C. 13307 (2)</i>										
<b>WHERE</b>	Registrar of Voters Office 5201 Ruffin Road, Suite I San Diego, CA 92123										
<b>CONTENTS</b>	The statement may contain the name, age and occupation of the candidate and a brief description of no more than 250 words of the candidate's education and qualifications expressed by the candidate.										
<b>CONTENT RESTRICTIONS</b>	<p>Candidate statements shall be limited to a recitation of the candidate's own personal background and qualifications, and <b>shall not in any way make reference to other candidates or to another candidate's qualifications, character, or activities.</b></p> <p>The candidate statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations. Candidate photographs are not permitted.</p> <p>The Registrar of Voters shall not print or circulate any statement which violates Election Code sections 13307 or 13308.</p>										
<b>EXAMINATION PERIOD</b>	During the 10-calendar-day examination period following the deadline for submission of the statement any voter of the jurisdiction, or the Registrar of Voters, may seek a writ of mandate or an injunction requiring any or all of the material to be amended or deleted.										
<b>LIABILITY</b>	Nothing in this section shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the Voter Information Pamphlet.										
<b>FORMAT</b>	<p>Candidates are asked to <b>TYPE</b> their statement <b>SINGLE SPACED</b> in <b>BLOCK PARAGRAPHS</b> on a form provided by the Registrar of Voters.</p> <p>The following <b>WILL NOT</b> be permitted:</p> <table border="0"> <tr> <td>♦ Handwritten statement</td><td>♦ Stars, bullets, graphics</td></tr> <tr> <td>♦ Copy from a fax machine</td><td>♦ <i>Italics</i></td></tr> <tr> <td>♦ Extra exclamation points</td><td>♦ ALL CAPITAL LETTERS</td></tr> <tr> <td>♦ Multiple punctuation</td><td>♦ <u>Underlines</u></td></tr> <tr> <td>♦ Lists</td><td>♦ Tables</td></tr> </table> <p>All statements must be submitted on or attached to the candidate statement form provided. San Diego Registrar of Voters encourages you to bring your printed candidate statement in electronic format (i.e. on CD-ROM). STATEMENTS WILL BE TYPESET EXACTLY AS SUBMITTED; candidates are therefore advised to carefully check their statements for errors in spelling, punctuation and grammar. The Registrar of Voters is authorized to make corrections only to the format of the statement.</p>	♦ Handwritten statement	♦ Stars, bullets, graphics	♦ Copy from a fax machine	♦ <i>Italics</i>	♦ Extra exclamation points	♦ ALL CAPITAL LETTERS	♦ Multiple punctuation	♦ <u>Underlines</u>	♦ Lists	♦ Tables
♦ Handwritten statement	♦ Stars, bullets, graphics										
♦ Copy from a fax machine	♦ <i>Italics</i>										
♦ Extra exclamation points	♦ ALL CAPITAL LETTERS										
♦ Multiple punctuation	♦ <u>Underlines</u>										
♦ Lists	♦ Tables										
<b>WITHDRAWAL</b>	The statement may be withdrawn, but not changed, until 5 pm of the next business day after the close of the nomination period.										

# CANDIDATE STATEMENTS OF QUALIFICATIONS GUIDELINES (CONTINUED)

<b>SPANISH, FILIPINO, VIETNAMESE &amp; CHINESE TRANSLATION</b>	<p>All sample ballot pamphlet text, including candidate statements, are translated into Spanish, Filipino, Vietnamese and Chinese. In addition to receiving an English sample ballot pamphlet, registered voters may also request a pamphlet in Spanish, Filipino, Vietnamese or Chinese. In addition, registered voters who were born in Spanish or Chinese speaking countries, the Philippines, or Vietnam, will also receive a pamphlet in the language of the country in which they were born. This is in compliance with the Federal Voting Rights Act.</p> <p>On Election Day, Spanish sample ballot pamphlets will be available at every polling location. Filipino, Vietnamese and Chinese sample ballot pamphlets will be available at targeted polls throughout the county.</p>
<b>COST</b>	<p>Candidate statements are paid for at the time they are filed. All money is held in a Trust Fund and if, for any reason, the statement is not printed, the money will be refunded.</p> <p>The cost is calculated to recover expenses for translation into four languages, typesetting, printing, addressing, labor and mailing, of the candidate statements.</p> <p>Candidate statements may be paid by check or credit card.</p>

## EXAMPLE OF AN ACCEPTABLE FORMAT FOR A CANDIDATE STATEMENT OF QUALIFICATIONS

<b>STATE ASSEMBLY</b> <b>80th District</b>	
<b>JOHN B. CONNOR</b> <b>Dentist/Rancher</b>	<b>Age: ##</b> <i>(Optional)</i>
<p><b>FORMAT/CONTENT:</b> <i>This is an example of an acceptable format to be used in a candidate's statement of qualifications. The guidelines for the content of the statement are in a separate section of the Candidate Filing Guide.</i></p>	
<p>I am running for the governing board of the Washington Unified School District because I feel I can bring a balance to the board. I attended local schools, graduating from Washington High School in 1970. I am married and currently have two children attending schools in the district, have a private dental practice and oversee the daily operation and finances of our family-owned cattle ranch.</p> <p>I own and operate my own dental business, so I am well aware of the need to operate within a budget. With proper distribution of resources and educational materials, I am convinced we can offer quality education to all students within the district. I believe it is time to "tighten our belts" and take a long, hard look at current and future budgets.</p> <p>I have been active in the P.T.A., served on the Save Our Youth Committee, and am an active member of the All-Faith Church. I have served as Boy Scout Troup Leader for the past 5 years. I also serve as a volunteer at the Community Recycling Center as time allows.</p> <p>I am looking forward to serving you on the Washington Unified School District Governing Board. Thank you for your vote.</p>	
CS-999-9	SD 000-00



# **WORD COUNT**

*(California Elections Code Section 9)*

**Each word is counted as one word except:**

**PUNCTUATION:** Punctuation is not counted.

**TITLES:** Words used in the title of the document, such as "Argument in Favor of Measure A" are not counted.

**CITIES/COUNTIES:** All geographical names shall be counted as one word. Areas that have political boundaries with an elected or appointed board are considered geographic areas by this office. For example, "County of San Diego" and "San Diego Unified School District" shall each be counted as one word.

**ABBREVIATIONS:** Each abbreviation for a word, phrase, or expression shall be counted as one word. **Example:** "PTA" shall be counted as one word.

**HYPHENATIONS:** Hyphenated words that appear in any generally available dictionary shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.

**DATES:** Dates consisting of a combination of words and digits shall be counted as two words. Dates consisting of only a combination of digits shall be counted as one word. May 21, 2013 shall be counted as two words, whereas 5/21/13 shall be counted as one word.

**NUMBERS:** Any number consisting of a digit or digits shall be considered as one word. Any number that is spelled, shall be considered as a separate word. "100" shall be counted as one word, whereas "one hundred" shall be counted as two words.

**PHONE & INTERNET:** Website addresses and telephone numbers are one word.

This section shall not apply to counting words for ballot designations under Section 13107.

# POLITICAL ADVERTISEMENT REQUIREMENTS

(Elections Code Section 20008)

<b>POLITICAL ADVERTISEMENT REQUIREMENTS</b>	Any paid political advertisement which refers to an election or to any candidate for state or local elective office and which is contained in or distributed with a newspaper, shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the advertisement or in 10-point roman type, whichever is larger, the words "Paid Political Advertisement." The words shall be set apart from any other printed matter.
<b>DEFINITION</b>	As used in this section "paid political advertisement" shall mean and shall be limited to, published statements paid for by advertisers for purposes of supporting or defeating any person who has filed for an elective state or local office.

## MASS MAILING OF CAMPAIGN LITERATURE

<b>REGISTRAR OF VOTERS DUTIES</b>	A copy of Section 84305 of the Government Code (see below) shall be provided by the Registrar to each candidate or his or her agent at the time of filing the declaration of candidacy . . . (E.C. Sec. 16)
<b>PUBLIC EXPENSE</b>	No newsletter or other mass mailing shall be sent at public expense. (Gov. Code Sec. 89001)
<b>DEFINITION</b>	"Mass mailing" means over 200 substantially similar pieces of mail, but does not include a form letter or other mail which is sent in response to an unsolicited request, letter or other inquiry. (Gov. Code Sec. 82041.5)

## CALIFORNIA GOVERNMENT CODE SECTION 84305

- (a) Except as provided in subdivision (b), no candidate or committee shall send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the organization's address is a matter of public record with the Secretary of State.
- (b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.
- (c) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).

## SIMULATED BALLOT REQUIREMENTS

(Elections Code Section 20009)

- a) Every simulated ballot or simulated sample ballot shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the statement or words or in 10-point roman type, whichever is larger, in a printed or drawn box and set apart from any other printed matter, the following statement:

### NOTICE TO VOTERS (Required by Law)

"This is not an official ballot or an official sample ballot prepared by the county elections official or the Secretary of State. This is an unofficial, marked ballot prepared by \_\_\_\_\_ (insert name and address of person or organization responsible for preparation thereof)."

Nothing in this section shall be construed to require this notice in any editorial or other statement appearing in a regularly published newspaper or magazine other than a paid political advertisement.

- b) No simulated ballot or simulated sample ballot referred to in subdivision (a) shall bear any official seal or the insignia of any public official entity, nor shall that seal or insignia appear upon the envelope in which it is mailed or otherwise delivered.
- c) The superior court, in any case brought before it by any registered voter, may issue a temporary or permanent restraining order or injunction against the publication, printing, circulation, posting, or distribution of any matter in violation of this section, and all cases of this nature shall be in a preferred position for purposes of trial and appeal, so as to assure the speedy disposition thereof.

# SIGN INFORMATION

## State of California

STATE OF CALIFORNIA-BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN JR., Governor

### DEPARTMENT OF TRANSPORTATION

DIVISION OF TRAFFIC OPERATIONS  
OUTDOOR ADVERTISING PROGRAM



Dear Candidate or Committee Member:

As a candidate or campaign worker for either office or a ballot measure, this reminder about State law governing campaign signs should be helpful to you.

Section 5405.3 of the State Outdoor Advertising Act exempts the placing of Temporary Political Signs from normal outdoor advertising display requirements.

A Temporary Political Sign meets the following criteria:

- A. Encourages a particular vote in a scheduled election.
- B. Is placed no sooner than 90 days prior to the scheduled election and is removed within 10 days after that election.
- C. Is no larger than 32 square feet.
- D. Has had a Statement of Responsibility filed with the Department certifying a person who will be responsible for removing the sign (Attached).

A completed Statement of Responsibility must be submitted to:

Division of Traffic Operations  
Outdoor Advertising Program  
P.O. Box 942874, MS-36  
Sacramento, CA 94274-0001

Temporary Political Signs shall not be placed within the right-of-way of any highway, or be visible within 660 feet from the edge of the right-of-way of a classified "Landscaped freeway".

State law directs the Department of Transportation to remove unauthorized Temporary Political Signs and bill the responsible party for their removal. We are calling these provisions to your attention to avoid possible embarrassment or inconvenience to you and your supporters. Please share this information with those assisting in your campaign.

Should you have any questions, comments or need additional information, please call (916) 654-5327.

Enclosure

# SIGN INFORMATION (Continued)

## State of California

STATE OF CALIFORNIA-BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN JR., Governor

**DEPARTMENT OF TRANSPORTATION**  
DIVISION OF TRAFFIC OPERATIONS  
OUTDOOR ADVERTISING PROGRAM



### STATEMENT OF RESPONSIBILITY FOR TEMPORARY POLITICAL SIGNS

Election Date: \_\_\_\_\_ June \_\_\_\_\_ November Other: \_\_\_\_\_

Candidate's Name: \_\_\_\_\_

Office sought or Proposition Number: \_\_\_\_\_

County where sign(s) will be placed: \_\_\_\_\_

Number of signs to be placed: \_\_\_\_\_

#### RESPONSIBLE PARTY:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number (Include Area Code) \_\_\_\_\_

The undersigned hereby accepts responsibility for the removal of Temporary Political Signs placed pursuant to Section 5405.3 of the Outdoor Advertising Act for the above candidate or proposition.

It is understood and agreed that any Temporary Political Signs placed sooner than ninety (90) days prior to the election and/or not removed within ten (10) days after the election, may be removed by the Department and the responsible party will be billed for any associated removal costs.

SIGNATURE OF RESPONSIBLE PARTY \_\_\_\_\_

DATE \_\_\_\_\_

#### **Mail Statement of Responsibility to:**

Division of Traffic Operations  
Outdoor Advertising Program  
P.O. Box 942874, MS-36  
Sacramento, CA 94274-0001